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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,657	07/16/2003	David Ray Lolley	16305-US	1461

7590 10/18/2004

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EXAMINER

WILL, THOMAS B

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,657

Applicant(s)

LOLLEY, DAVID RAY

Examiner

Meredith C Petravick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: In paragraph 0011, line 11, "knifes" should be --knives--.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 4 and 13 are objected to because of the following informalities: both of these claims include the limitation "raised web portion." This limitation was amended to be offset web portion in the other claims. Claims 4 and 13 should be amended for consistency. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puncochar 5,343,682 in view of Klein 4,750,321.

Puncochar discloses a hold down clip (embodiment of Figures 1-3) including:

- a frame with a first leg (7 and 8) and a second leg (23 and 24)

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- an enlarged wear plate (4) on the second leg that holds the sickle bar against the knife guard
- an adjustment assembly (25 and 3) extending between the first and second legs
- an web portion (portion of 7 around bolt head 25) on the first leg that is offset from portion 8

The first leg forms a mounting assembly for mounting to a support bar (Fig. 1). The second leg is forms the hold down assembly. However, Puncochar fails to disclose making the hold down clip from sheet metal.

Like Puncochar, Klein discloses a hold down clip. Unlike Puncochar, Klein discloses that making the clip from sheet metal makes in lighter weight (Column 4, lines 56-60).

Given the teaching in Klein it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the hold down clip in Puncochar from sheet metal as disclosed in Klein, in order to decrease weight.

In regards to the structure of the hold down clip being integral, the combination discloses the claimed invention except for the structure of the hold down clip being integral. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the structure integral, since it has been held that forming in one piece an article which as formerly been formed in two pieces and put together involves only routine skill in the art.

*Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

In regards to claim 2, the adjustment assembly is a bolt (25) and a nut (3).

In regards to claim 3, bolt (25) extends through the offset web portion.

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In regards to claim 4, the web portion is considered to have portion 29, which receives the rear of the knives as show in Figure 3.

In regards to claims 5 and 6, the first leg has a guide surface 28 that contacts the sickle bar.

5. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the embodiment of Figures 1-3 of Puncochar as Klein as applied to the claims above, and further in view of the embodiment of Figures 6-9 of Puncochar.

The combination discloses the claimed invention as described in detail above. However, these Figures do not show a reinforcing rib on the second leg.

Figures 6-9 of Puncochar, discloses a similar hold down clip with a second leg. However, this embodiment includes a reinforcing rib as shown in Figure 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second leg in the embodiment of Figure 1-3 with a reinforcing rib as shown in the embodiment of Figure 6-9, since it is well known in the art that reinforcing ribs provided strength and decrease breakage.

In regards claims 9-13, the limitations in these claims are described in detail above.

#### ***Response to Arguments***

6. Applicant's arguments filed 8/30/2004 have been fully considered but they are not persuasive.

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Applicant amended the claims to include the limitation that the web portion is offset. Applicant argues that this limitation is now shown in the prior art. However, the web portion (portion of 7 around bolt head 25) in Puncochar is offset from the other portion (8) of the first leg.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick  
Patent Examiner  
Art Unit 3671

October 14, 2004